

FACTSHEET

TITLE: Resolution amending Title 14 of the Lincoln Municipal Code, requested by the Director of Planning, to increase the application fee for the Vacation of Public Ways.

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Change of Zone No. 06023 (06-113) and Miscellaneous No. 06005 (06-114).

FINDINGS:

1. This is a request to amend Section 14.20.020 of the Lincoln Municipal Code to increase the application fee for the vacation of public ways from \$125.00 to \$250.00, effective September 1, 2006.
2. This request is submitted in conjunction with the proposed amendments to the Land Subdivision Ordinance and the Zoning Ordinance; however, the Planning Commission is not required to review and take action on amendments to Title 14.
3. The staff recommendation of approval is based upon the same "Analysis" as set forth in the Factsheets for Change of Zone No. 06023 (06-113) and Miscellaneous No. 06005 (06-114).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 10, 2006

REVIEWED BY: _____

DATE: July 10, 2006

REFERENCE NUMBER: FS\CC\2006\Title 14 text

14.20.020 Procedure for Vacation of Public Ways; Filing Vacation Ordinance.

For the vacation of any street, alley, or public way, the owners of 100% of the property abutting upon such street, alley, or public way proposed to be vacated shall file with the Planning Director a petition for such proposed vacation upon forms approved by the City Attorney, along with an application fee in the amount of ~~\$125.00~~ \$250.00. Upon receipt of said petition and the application fee, the Planning Director shall refer the proposed vacation to the Planning Commission. The Planning Commission shall hold a public hearing upon the proposed vacation and make a report regarding its conformity to the Comprehensive Plan. The report of the Planning Commission, along with a report from the Planning Director as to how such proposed vacation would affect the City's planning, street system, traffic requirements, public utilities, and public improvements, shall be filed with the City Council. The Planning Director's report shall include information as to whether any sidewalk bonds are still outstanding and shall include the estimated cost of any required reconstruction of street and alley returns and/or sidewalks, and the cost of relocating any existing utilities, such as telephone facilities, electrical facilities, water mains, sanitary sewers, etc. The report shall also include the amount determined by the city to be the proper price to be paid by a purchaser for such street, alley, or public way sought to be vacated, or in the alternative, a recommended exchange of property with the city. After the reports of the Planning Commission and Planning Director have been filed, the City Council shall, before enacting any ordinance vacating the street, alley or public way, hold a public hearing in relation thereto. The petitioners shall be required to deposit the money necessary to accomplish the required reconstruction and the amount determined to be the proper purchase price prior to the introduction of an ordinance to accomplish the requested vacation. Such funds deposited with the City Clerk will be held until the vacation has become effective, at which time the amount deposited for the necessary reconstruction shall be deposited by the City Clerk in the street construction fund to accomplish the required reconstruction. Net proceeds paid to the city for the purchase of a vacated street, alley, or public way shall be placed in the advance acquisition fund.

Upon the passage of any ordinance vacating a street, alley, or public way in the City of Lincoln, it shall be the duty of the City Clerk to immediately file a certified copy of said ordinance in the office of the Register of Deeds for Lancaster County, Nebraska. This section shall not be interpreted so as to interfere with the city's request for vacation of a street, alley, or public way when the City Council has deemed such vacation to be in the best interest of the city. (Ord. 18231 §1; August 18, 2003; prior Ord. 13059 §1; December 15, 1980: Ord. 8752 §1; June 14, 1965).